THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, the 9th day of April,2007

W.P.No.12918 of 1997

Between:-

M.A.Samdhani … Petitioner

and

The Nizam's Institute of
Medical Sciences, Panjagutta,
Hyderabad, rep. by its
Director and others … Respondents

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W.P.No.12918 of 1997

ORAL ORDER:

This Writ Petition is filed seeking a Certiorari to call for the records relating to Proceedings No.2/E2/97, dated 3-6-1997 of the 1st respondent in appointing the 2nd respondent as Incharge of the Department of Civil Engineering and the consequential Proceedings No.4/97 Estt E.3, dated 6-6-1997 and Office Order dated Nil, and quash the same as arbitrary and illegal and consequently to direct the 1st respondent to continue the petitioner as Head of the Department of Civil Engineering as per the Office Order dated 27-10-1995, seniority list dated 26-4-1996 as clarified by Memo No.4/197/97, dated 11-4-1997.

It appears, under the impugned Order, the 2nd respondent was appointed as Incharge Head of the Department of Civil Engineering of the 1st respondent-Institute. According to the petitioner, his seniority has been ignored and the 2nd respondent, though junior to him, was sought to be appointed as Head of the Department of Civil Engineering.

There is no necessity of going into all the details. A detailed counter affidavit is filed by the 1st respondent, wherein it is stated that the Order dated 3-6-1997 was not given effect to and the Nizam's

Institute of Medical Sciences was advised to revoke the said Proceedings dated 3-6-1997 as the purpose of keeping the petitioner away from the records concerned contemplating disciplinary enquiry against him can as well be achieved in exercise of the appropriate power by the employer instead of passing the order dated 3-6-1997, which is impugned in the Writ Petition. Accordingly, steps are being taken to revoke the Order dated 3-6-1997 as suggested by the Legal Advisor of the NIMS.

In view of the above and also in view of the interim order passed by this Court on 1-7-1997, the Writ Petition is liable to be closed. Accordingly, the Writ Petition is closed. No order as to costs.

09-4-2007

prk